



**Qwest**  
1801 California Street, Suite 4900  
Denver, Colorado 80202  
Phone 303 672-2859  
Facsimile 303 295-6973

DOCKET FILE COPY ORIGINAL

**RECEIVED**

JUN 26 2001

**Kathryn Marie Krause**  
Senior Attorney

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 26, 2001

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Room TW-A325  
Portals II  
445-12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RE: CALEA Section 103 Compliance – CC Docket No. 97-213  
Qwest Corporation – TRS No. 808440  
Malheur Home Telephone Company – TRS No. 814711

Dear Ms. Salas:

Qwest Corporation (“Qwest”) and Malheur Home Telephone Company (“Malheur”) submit the attached letters and deployment schedules regarding compliance with Section 103 CALEA requirements. The letters from the FBI’s Flexible Deployment Program support Qwest’s (TRS #808440) and Malheur’s (TRS #814711) extension of the CALEA requirements.

On May 31, 2000, Qwest (f/k/a U S WEST Communications, Inc.) filed on its own behalf, as well as on behalf of Malheur, a Petition for an extension of time under Section 107(c) of the CALEA requirements. A copy of the Petition, without the confidential attachments, is included with this letter per the instructions of the FBI. The deployment schedules attached to this letter are also confidential documents, which the Commission has already determined should not be made available for public inspection. See Public Notice, 15 FCC Rcd. 7482, 7487 ¶ 12 (Apr. 25, 2000). The deployment schedules are marked “Confidential – Not for Public Inspection” and are enclosed in separate envelopes marked to the same effect.

In their Petition, Qwest and Malheur stated that they were engaged in ongoing negotiations with the FBI and were participating in its Flexible Deployment Plan. As such, both companies were categorized as having Category B status. With the FBI’s approval of the deployment schedules both parties have satisfied the requirements of the *Public Notice*, for reclassification to Category A status. Therefore, Qwest and Malheur request reclassification of their Petition from Category B to Category A status. Accordingly, we request an extension of time under Section 107(c) of the CALEA requirements as outlined in our deployment schedules.

Respectfully,

  
Kathryn Marie Krause



U.S. Department of Justice

Federal Bureau of Investigation

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*CALEA Implementation Section  
14800 Conference Center Drive, Suite 300  
Chantilly, VA 20151*

June 19, 2001

Lee Johnson  
Qwest Corporation  
700 W. Mineral Avenue, Room MT D 25.31  
Littleton, CO 80120

FCC TRS #808440  
Carrier ID #783

Dear Carrier:

The CALEA Implementation Section of the FBI is pleased to inform you that it supports an extension for Qwest Corporation as long as the petition filed with the Federal Communications Commission (FCC) reflects the attached deployment schedule. A copy of this letter and the agreed upon deployment schedule should be submitted to the FCC along with Qwest Corporation's section 107(c) petition for extension of the June 30, 2000 compliance date. Please note that Section 107(c) of the CALEA statute only authorizes the FCC to grant extensions up to two years. Consequently, the FBI is only able to support extension requests through June 30, 2002. Qwest Corporation may have to apply for an additional Section 107(c) extension for any switches that are not compliant by June 30, 2002.

In the event that unforeseen circumstances do not allow Qwest Corporation to deploy CALEA-compliant solutions according to the attached schedule, Qwest Corporation should notify the FBI and the FCC as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Fogle", is positioned above the typed name.

Chuck Fogle  
Program Manager  
Flexible Deployment Program



**U.S. Department of Justice**

Federal Bureau of Investigation

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*CALEA Implementation Section  
14800 Conference Center Drive, Suite 300  
Chantilly, VA 20151*

June 19, 2001

Lee Johnson  
Malheur Home Telephone Company  
700 W. Mineral Avenue, Room MT D 25.31  
Littleton, CO 80120

FCC TRS #814711  
Carrier ID #1320

Dear Carrier:

The CALEA Implementation Section of the FBI is pleased to inform you that it supports an extension for Malheur Home Telephone Company as long as the petition filed with the Federal Communications Commission (FCC) reflects the attached deployment schedule. A copy of this letter and the agreed upon deployment schedule should be submitted to the FCC along with Malheur Home Telephone Company's section 107(c) petition for extension of the June 30, 2000 compliance date. Please note that Section 107(c) of the CALEA statute only authorizes the FCC to grant extensions up to two years. Consequently, the FBI is only able to support extension requests through June 30, 2002. Malheur Home Telephone Company may have to apply for an additional Section 107(c) extension for any switches that are not compliant by June 30, 2002.

In the event that unforeseen circumstances do not allow Malheur Home Telephone Company to deploy CALEA-compliant solutions according to the attached schedule, Malheur Home Telephone Company should notify the FBI and the FCC as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Fogle", is positioned above the typed name.

Chuck Fogle  
Program Manager  
Flexible Deployment Program

S+R RD  
PH

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of: )  
)  
The Communications Assistance ) U S WEST Communications, Inc.,  
For Law Enforcement Act (CALEA), ) Petitioner  
Section 107(c) Extension of Capability ) TRS Numbers 808440, 814711  
Requirements ) Common Carrier Bureau

PETITION OF U S WEST COMMUNICATIONS, INC.  
FOR EXTENSION OF TIME UNDER SECTION 107(c) OF  
THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT

RECEIVED  
MAY 1 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

1. U S WEST Communications, Inc., hereinafter "U S WEST/C" or "Petitioner,"<sup>1</sup> requests an extension of the CALEA Section 103 capability requirements,<sup>2</sup> pursuant to CALEA Section 107(c),<sup>3</sup> until June 2, 2002 on the grounds that compliance with CALEA is not currently reasonably achievable through application of available technology.<sup>4</sup> As discussed further below, U S WEST/C is engaged in ongoing negotiations with the Federal Bureau of Investigation ("FBI") under the agency's Flexible Deployment Plan. Accordingly, U S WEST/C is in what the Federal Communications Commission ("FCC" or "Commission") refers to as Category B status. A copy of the letter from the FBI confirming that it has received the information needed to participate in the Plan is attached as Attachment D.

2. U S WEST/C is unable to secure equipment and software that would allow for CALEA compliance (as currently defined) in sufficient time to be operational by June 30, 2000. With respect to some switches (for example, the Nortel DMS 100s), CALEA-compliant equipment is not commercially available in the general marketplace.<sup>5</sup> Even where such equipment is currently available (for example, with respect to the Lucent switches),<sup>6</sup> additional time is

<sup>1</sup> U S WEST/C requests this extension on behalf of U S WEST Communications, Inc., TRS Number 808440 and Malheur Bell Telephone Company ("Malheur"), TRS Number 814711.

<sup>2</sup> See 47 U.S.C. § 1002.

<sup>3</sup> See 47 U.S.C. § 1006(c).

<sup>4</sup> See Public Notice, CALEA Section 103 Compliance and Section 107(c) Petitions, FCC 00-154, rel. Apr. 25, 2000 at 8 ¶ 13(c) ("Carriers should include enough time to purchase, test, and install hardware and software required for CALEA compliance.") ("Public Notice").

<sup>5</sup> The Nortel feature package rendering compliance with the J-Standard is not expected until the issuance of the NA-13 generic. Currently, the NA-10 is incorporated in the switches.

<sup>6</sup> The Lucent generic to support the J-Standard is available and the feature package was released in February 2000. However, additional time is obviously necessary to install and test the feature package.

necessary to install the equipment in the U S WEST/C network (installation involving a range of activities from engineering to actual installation to testing and re-engineering, as necessary).

3. U S WEST/C is negotiating with the FBI pursuant to the agency's Flexible Deployment Plan to agree on a schedule under which U S WEST/C would upgrade its equipment to become CALEA compliant. That schedule would, as closely as possible, adhere to U S WEST/C's normal generic upgrade schedule, with adjustments for those switches, if any, that have historically experienced high levels of interception activity and regarding which the FBI desires priority CALEA-compliant equipment deployment. If U S WEST/C and the FBI are able to reach an agreement, U S WEST/C understands that the FBI will support a grant of the necessary extensions of time to permit U S WEST/C to come into compliance in accordance with the agreed-to schedule. This would move U S WEST/C from a Category B carrier to a Category A carrier.<sup>7</sup>

4. It is important to stress that U S WEST/C's negotiations with the FBI have not focused on particular switches in particular geographies. Rather, those discussions have been more general, along the lines that "x number of switches will be made CALEA compliant within y timeline." A number of U S WEST/C's existing switches (including the Ericsson AXE 10 Host Switches and all but one of the Nortel DMS 10s) were installed before January 1, 1995<sup>8</sup>, and are accordingly grandfathered.<sup>9</sup> These switches are therefore not currently material to the negotiations

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<sup>7</sup> See Public Notice at 4 ¶ 8(b) ("If the FBI approves the schedule, the petition will be reclassified as a Category A petition.").

<sup>8</sup> For example, Attachment B incorporates switches currently slated to be sold as part of exchange sales contracts where the specific switches have been publicly identified.

<sup>9</sup> In assessing whether or not pre-January 1, 1995 switches are, or are not, "grandfathered," the FBI has proposed, but not formally adopted, the following definition of "significant upgrade or major modification":

*(a) For equipment, facilities or services for which an upgrade or modification has been completed on or before October 25, 1998, the term "significant upgrade or major modification" means any fundamental or substantial change in the network architecture or any change that fundamentally alters the nature or type of the existing telecommunications equipment, facility, or service that impedes law enforcement's ability to conduct lawfully authorized electronic surveillance, unless such change is mandated by a Federal or State statute; (b) For equipment, facilities or services for which an upgrade or modification is completed after October 25, 1998, the term "significant upgrade or major modification" means any change, whether through addition or other modification, to any equipment, facility, or service that impedes law enforcement's ability to conduct lawfully authorized electronic surveillance, unless such change is mandated by a Federal or State statute. See Significant Upgrade NPRM, 63 Fed. Reg. 23231, 23233 (1998).*

Carriers have argued in comments to the FBI that this definition should be narrowed, but it is unclear when or how the FBI will resolve this issue. Given this uncertainty, it will be difficult

with the FBI and were not included in the Flexible Deployment Assistance Guide Template ("Template"), or Confidential Attachment A).<sup>10</sup> However, some of these switches will be removed or replaced from the U S WEST/C network during the timeframe associated with the overall schedule for CALEA deployment and therefore may become subject to CALEA requirements and/or be added to the agreed schedule with the FBI. Therefore, U S WEST/C asks the Commission to include these switches (which, as explained below, are identified in Attachment B and Confidential Attachments C (C-1 and C-2) in its granted extension, as well.

5. Thus, Petitioner requests an extension for the equipment, facilities and services listed in Confidential Attachments A and C and Attachment B,<sup>11</sup> as attached to this Petition and incorporated herein by this reference. Confidential Attachment A, the Template, is the most current document being utilized between U S WEST/C and the FBI to identify switches in the U S WEST/C network which are expected to become CALEA compliant over time. As mentioned above, Confidential Attachment A does not include all of the switches in the U S WEST/C network. For example, those switches associated with publicly-announced sales of exchanges are not included but are identified in Attachment B.<sup>12</sup> Confidential Attachments C-1 and C-2 list certain switches that U S WEST/C believes are "grandfathered" under the terms of CALEA and regarding which U S WEST/C has no business reason to upgrade to a CALEA-compliant status.<sup>13</sup> These switches have little law enforcement activity and are expected either to be removed from the U S WEST/C network within the next 18 months or to be replaced within the U S WEST/C network before a need for CALEA compliance became a material issue.

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for some carriers to determine whether certain switches will be grandfathered. For this reason, U S WEST/C seeks a good faith extension with regard to these switches, as well, to provide some defense if the FBI disagrees with U S WEST/C's interpretation and claims a right to proceed with an enforcement order in court.

<sup>10</sup> Attachment B is not confidential. The Template is a "living document," changing over time. And, it is expected to continue to change as U S WEST changes out some of the switches currently on the Template and adds new ones to the network. For this reason, U S WEST asks that the Commission grant its extension to U S WEST to cover both the switches identified on the Template and those that replace the switches or which are added to the Deployment Template for other reasons.

<sup>11</sup> See Public Notice at 6 ¶ 12, noting that such Attachments will not be made routinely available for public inspection and that "[p]etitioning carriers need not expressly request confidential treatment in order that the information submitted with their petitions be withheld from public disclosure." In accordance with the Commission's instructions, the confidential attachment is marked with the legend "Confidential -- Not for Public Inspection."

<sup>12</sup> Attachment B also includes a Malheur switch that has not been identified on U S WEST/C's Flexible Deployment Plan filings with the FBI.

<sup>13</sup> Confidential Attachment C-1 identifies Ericsson AXE 10 Host Switches, all installed in U S WEST/C's network before January 1, 1995. Confidential Attachment C-1 identifies Nortel DMS 10 switches, all but the last highlighted switch installed in the U S WEST/C network before January 1, 1995. These switches are also the subject of a separate Section 109(b) Petition, filed concurrently with this Section 107(c) Petition. See 47 U.S.C. § 1008(b).

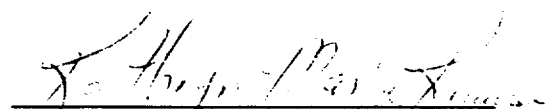
6. Should the Commission have a need to discuss the specifics of U S WEST/C's situation with respect to its ongoing negotiations with the FBI and Section 107(c) relief, the Commission should contact the undersigned, Kathryn Marie Krause, at the address and phone number identified below. The fax number to be used is 303-295-7049 and the e-mail address is [kkrause@uswest.com](mailto:kkrause@uswest.com). As appropriate, Ms. Krause will consult with other U S WEST/C personnel to respond to Commission inquiries.

For all of the above reasons, U S WEST/C requests that the FCC grant the relief requested herein. Granting the requested relief will benefit both U S WEST/C and its ratepayers by lowering the total cost of CALEA compliance.

Respectfully submitted,

U S WEST COMMUNICATIONS, INC.

By:

  
Kathryn Marie Krause  
Suite 700  
1020 19th Street, N.W.  
Washington, DC 20036  
(303) 672-2859

Its Attorney

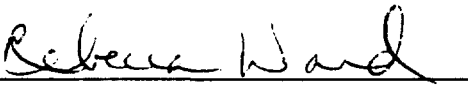
Of Counsel,  
Dan L. Poole

May 31, 2000

## **CERTIFICATE OF SERVICE**

I, Rebecca Ward, do hereby certify that I have caused 1) an original and five hard copies of the foregoing **PETITION OF U S WEST COMMUNICATIONS, INC. FOR EXTENSION OF TIME UNDER SECTION 107(c) OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT (including confidential attachments)** to be filed with the Secretary of the FCC, 2) a diskette containing an electronic version of the **PETITION (including confidential attachments)** to be filed with the Secretary of the FCC and 3) a courtesy copy of the **PETITION (excluding confidential attachments)** to be served, via hand delivery, upon the following person.

David Ward  
Federal Communications Commission  
Common Carrier Bureau  
Portals II  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

  
Rebecca Ward

May 31, 2000



## **ATTACHMENT B**

**U S WEST COMMUNICATIONS, INC. ATTACHMENT B**

**SWITCH SPECIFIC INFORMATION FOR SWITCHES WHERE IT HAS  
BEEN PUBLICLY ANNOUNCED THAT THE SWITCHES WILL BE  
SOLD**

| Host and/or<br>Standalone CLLI<br>Code or other<br>Unique Identifier | Switch or<br>Equipment<br>Location | Switch<br>Type |
|--|------------------------------------|----------------|
|  |                                    |                |

|                  |              |                   |
|------------------|--------------|-------------------|
| <b>Arizona</b>   |              |                   |
|                  |              |                   |
| YUMAAZMADS0      | Yuma         | DMS100            |
| YUMAAZFTDS1      | Yuma         | DMS100            |
| SFFRAZMADS0      | Safford      | DMS100            |
| WNSLAZMADS1      | Winslow      | DMS100            |
|                  |              |                   |
| <b>Colorado</b>  |              |                   |
|                  |              |                   |
| ALMSCOMADS0      | Alamosa      | DMS100            |
|                  |              |                   |
| <b>Iowa</b>      |              |                   |
|                  |              |                   |
| STLKIATCDS0      | Storm Lake   | DMS100            |
|                  |              |                   |
| <b>Minnesota</b> |              |                   |
|                  |              |                   |
| BRNRMNBRDS0      | Brainerd     | DMS100            |
| FRFLMNFB73G      | Fergus Falls | DMS100            |
|                  |              |                   |
| <b>Oregon</b>    |              |                   |
|                  |              |                   |
| ONTRORXCDS0      | Ontario      | 5ESS <sup>1</sup> |
|                  |              |                   |

<sup>1</sup> This switch is assigned to Malheur Bell Telephone Company.

## **ATTACHMENT D**



**U.S. Department of Justice**

**Federal Bureau of Investigation**

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*CALEA Implementation Section  
14800 Conference Center Drive, Suite 300  
Chantilly, VA 20151*

**May 5, 2000**

Lee Johnson  
U S West  
700 W. Mineral Avenue, Room UT E 28.15  
Littleton, CO 80120

ID #783

Dear Carrier:

The purpose of this letter is to acknowledge that the CALEA Implementation Section (CIS) received the materials you submitted in response to the Flexible Deployment Assistance Guide on April 28, 2000. Your materials are currently under review. CIS will contact you if we have any questions or concerns regarding your submission as it is being reviewed. CIS will also provide you with a written decision regarding your proposed deployment schedule.

Thank you for your submission. We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Fogle", is written over the typed name.

Chuck Fogle  
Program Manager  
Prioritization